

REMARKS/ARGUMENTS

The Office Action of March 16, 2005, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1, 4, 6-23, 57, and 60-62 remain pending.

Applicants have provided a listing of the pending claims for the convenience of the Examiner. Applicants have not amended the claims in this paper.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 4, 6-9, 11-17, 19-23, 57, and 60-62 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,249,315 to Holm (hereinafter referred to as *Holm*) in view of U.S. Patent No. 5,946,113 to Pritchett (hereinafter referred to as *Pritchett*). Applicants respectfully traverse this rejection.

Applicants' independent claim 1 recites, among other features, "mapping RGB color data values representing an image in a first device into gamut expanded sRGB color data values of a gamut expanded sRGB color space." Applicants' claim 1 invention is patentably distinguishable over the applied references because *Holm* and *Pritchett*, either alone or in combination, fail to teach or suggest this feature.

On October 7, 2003, Applicants representatives met with the Examiner and conducted an Interview regarding an outstanding Office Action in the present application. In the Interview Summary (Paper No. 23), the Examiner explicitly agreed "that sRGB is inherently a perceptual-based color space and that XsRGB and sRGB64 are inherently physical-based color spaces." (Paper No. 23, page 3). Now, the Action alleges that sRGB is a physical-based color space. (Action, page 2). Specifically, the Action relies on column 13, lines 24-30 of *Holm* to describe that sRGB is a physical-based color space. The Action misunderstands inherent aspects of particular color spaces.

The sRGB color space is by definition perceptual as it has a gamma value of 2.2. In order to convert a perceptual space to a physical space, gamma correction is required.

(Declaration of November 13, 2003, page 2). Applicants' original written description describes such, specifically describing spaces associated with various monitor spaces. (See Original Specification, page 3, lines 6-10). *Holm* fails to teach or suggest any other understanding of the sRGB color space. The Action relies on column 13, lines 24-30, for support. The cited portion of *Holm* states that, [a]lternatives to perceptual color spaces are physically standardized, but more native 'color' spaces. Such spaces describe the physical meaning of the data." (col. 13, lines 24-26). However, neither the cited portion of *Holm* nor any other portion teaches or suggests any type of error correction or any teaching that the standard RGB space has a gamma value of 1.0.

As stated above, to convert a perceptual-based color space to a physical-based color space, gamma correction is required. *Holm*, at best, describes how sRGB, a perceptual-based color space, describes the physical meaning of data. (Col. 13, lines 25-26). *Holm* fails to describe the sRGB color space as a physical-based color space. "The standard monitor data approach provides a common ground to link perception to the native physical behavior of devices based on RGB and CMY capture and colorants." (Col. 14, lines 28-30). *Holm* describes the relation between the sRGB color space and the physical behavior of devices, but fails to teach or suggest that the sRGB color space is a physical-based color space. It is well understood that *Pritchett* fails to cure this deficiency of *Holm*. As such, because the combination of *Holm* and *Pritchett* fails to teach or suggest "mapping RGB color data values representing an image in a first device into gamut expanded sRGB color data values of a gamut expanded sRGB color space," Applicant respectfully request withdrawal of the present rejection.

Applicants' independent claims 15, 23, 57, 61, and 62 stand rejected for the same reasons as stated above with respect to independent claim 1. For substantially the same reasons as stated above with reference to claim 1, Applicants' claims 15, 23, 57, 61, and 62 distinguish over the art of record and are in condition for allowance.

Applicants' claims 4, 6-9, 11-14, 16-17, and 19-22, which depend from claims 1 and 15, are patentably distinguishable the art of record for at least the same reasons as their ultimate base claim and further in view of the novel features recited therein.

Claims 10 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Holm* in view of *Pritchett* and further in view of U.S. Patent No. IEC 61966-2-1 (hereinafter referred to as *IEC 61966-2-1*). Applicants respectfully traverse this rejection.

Claims 10-18, which depend from claims 1 and 15, are patentably distinguishable over the art of record for at least the same reasons as their ultimate base claim and further in view of the novel features recited therein. Further, *IEC 61966-2-1* fails to cure the deficiencies of *Holm* and *Pritchett*. Necessarily, withdrawal of the rejection of claims 10 and 18 is respectfully requested.

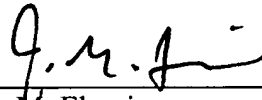
Many of the features of claim 60 stand rejected for the same reasons as stated above with reference to claim 1. For substantially similar reasons as stated above with reference to Applicants' claim 1, Applicants' claim 60 is patentably distinguishable over the art of record and further in view of the novel features recited therein.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. No fee is believed due, however, if any fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: June 16, 2005

By: 
John M. Fleming
Registration No. 56,536

1001 G Street, N.W.
Eleventh Floor
Washington, D.C. 20001-4597
(202) 824-3000